

AMENDED IN SENATE MAY 13, 2003

SENATE BILL

No. 156

Introduced by Senator Burton

February 11, 2003

An act to ~~amend Section 7501 of the Family Code, relating to~~
relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

SB 156, as amended, Burton. Custody: residence of the child.

Existing law provides that a parent entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child. *Existing law, as established in In re Marriage of Burgess (1996) 13 Cal.4th 25, provides that when a judicial custody order is in place, a custodial parent seeking to relocate bears no burden of establishing that it is necessary to do so.*

This bill would ~~provide that the court may not issue an order prohibiting a parent who has custody of the child from changing the child's residence absent a finding that the relocation would be detrimental to the child~~ *state the intent of the Legislature to affirm the decision in the case described above and to declare that ruling to be the public policy of California.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 7501 of the Family Code is amended to~~
2 ~~read:~~

1 ~~7501.—A parent entitled to the custody of a child has a right to~~
2 ~~change the residence of the child, subject to the power of the court~~
3 ~~to restrain a removal that would prejudice the rights or welfare of~~
4 ~~the child. The court may not issue an order prohibiting a parent~~
5 ~~who has custody of the child from changing the child's residence~~
6 ~~absent a finding that the relocation would be detrimental to the~~
7 ~~child.~~ *It is the intent of the Legislature to affirm the decision in In*
8 *re Marriage of Burgess (1996) 13 Cal.4th 25, and to declare that*
9 *ruling to be the public policy of California.*

